

ARTICLE 14

EXCLUSIVE USE ZONES

14-1 FINDINGS OF FACT - The following findings of fact are made:

14-1(a) AGRICULTURAL, RESIDENTIAL, PROFESSIONAL OFFICE, BUSINESS OR INDUSTRIAL ZONE CLASSIFICATIONS INADEQUATE - Within the Lexington-Fayette Urban County there are a number of land uses that have characteristics of operation that do not readily permit classification in the usual agricultural, residential, business, professional office or industrial zones. The standards and requirements of a particular zone, which must be applied equally to all uses within a zone, cannot adequately address the specific and unusual characteristics of certain uses. However, such uses are necessary to the livability or economic health of the community or are of such character that their specific control is necessary.

14-1(b) CONDITIONAL USE INADEQUATE - Many of these activities are permitted as conditional uses within particular agricultural, residential, business, professional office or industrial zones. However, the need for specifically enumerated performance standards and site locational standards make inclusion as a conditional use in a particular zone inadequate, since the restrictions in each zone must be applied equally to all uses within the zone, and the conditions which the Board of Adjustment may attach are not enumerated in such a manner as to avoid inconsistent and unequal treatment of similar activities.

14-2 PURPOSES AND OBJECTIVES - The reclassification of certain activities from the category of conditional use in a particular agricultural, residential, business, professional office or industrial zone to an exclusive use zone is intended to:

14-2(a) ESTABLISH SPECIFIC STANDARDS - Classification of these activities within exclusive use zones will enable specific site locational standards and performance standards to be enumerated and applied. Such standards will protect the public health, safety and welfare more adequately, and assure more equal treatment of the same or similar uses.

14-2(b) AVOID CONFUSION CONCERNING REQUIREMENTS - By specifically stating the standards to be applied to these activities, confusion and doubt about the standards will be reduced, and enforcement of the standards by the Lexington-Fayette Urban County Government will be facilitated.

14-2(c) INCREASE COMPATIBILITY WITH ADJACENT USES - Exclusive use zones are intended to make such activities more compatible with adjacent uses, allow greater

flexibility in site selection for the activity, and require the zoning of the site to be re-examined upon termination of the permitted activity within such an exclusive use zone.

14-3 ESTABLISHMENT OF EXCLUSIVE USE ZONES - Activities placed in an exclusive use zone are those not capable of ready classification as agricultural, residential, business, professional office, or industrial uses or which require specific, unique regulation unnecessary or inappropriate to other uses properly classified in agricultural, residential, business, professional office, or industrial zones. Each such use shall be designated EXCLUSIVE USE ZONE 1 (EX-1), etc. in order of adoption. The regulations for each Exclusive Use zone shall be included as an appendix to Article 14. Thus the Exclusive Use zone for landfills, as an example, shall be referred to as Article 14, Appendix A, Exclusive Use Zone 1, Landfills. The abbreviated designation shall be EX-1, EX-2, etc.

14-4 REGULATIONS IN EXCLUSIVE USE ZONES - The regulations adopted in this Article relating to each exclusive use zone shall include, but not be limited to, the following:

14-4(a) DEFINITION - A detailed definition of the specific use or uses to be permitted.

14-4(b) SITE DESIGN AND LOCATIONAL STANDARDS, such as:

- (1) Lot, yard and height requirements,
- (2) Landscaping and fencing requirements,
- (3) Sign restrictions,
- (4) Access design requirements and limitations,
- (5) Regulations relating to surface and subsurface drainage, floodplains and soil erosion,
- (6) Off-street parking requirements,
- (7) Other site and design requirements as determined necessary and reasonable to make such activity compatible with neighboring land uses likely to be affected by such activity.

14-4(c) OPERATIONAL STANDARDS - Performance standards may be established relating to those aspects of the activity which must be controlled to protect the public health, safety, or welfare, such as:

- (1) Noise, air and water pollution,
- (2) Storm water drainage, floodplain or erosion control problems, and
- (3) Other operational requirements which are necessary and reasonable to make such activity compatible with neighboring land uses likely to be affected by

such activity.

14-4(d) BONDING REQUIREMENTS - Performance bonds or letters of credit may be required, and the amount, duration and supervisory agency should be established.

14-4(e) REFERENCE TO OTHER APPLICABLE LAWS - A listing of local, state and federal requirements applicable to such use may be included to facilitate effective coordination between the various agencies having jurisdiction over the particular use. Such a list shall not be considered exhaustive, but is merely to be available to assist persons requesting such zoning.

14-5 PROCEDURES AND STANDARDS FOR APPROVAL OF EXCLUSIVE USE ZONE

14-5(a) CREATION OF AN EXCLUSIVE USE ZONE - A proposal for creation of an Exclusive Use Zone shall be processed as a Zoning Ordinance text amendment as provided in Article 6 herein.

14-5(b) ZONE MAP AMENDMENTS TO AN EXCLUSIVE USE ZONE - Any activity which must be conducted within an Exclusive Use Zone shall be permitted only upon approval of the required Exclusive Use Zone by the Urban County Council. Requests for such map amendments shall be made through the Planning Commission in accordance with Article 6 of the Zoning Ordinance.

The information necessary for proper review of each application shall be specified for each Exclusive Use Zone. Additional information may be required by the Planning Commission.

In considering requests for exclusive use zoning, all relevant factors specified for each zone and those listed below shall be considered.

- (1) The importance of the services provided by the proposed facility to the community.
- (2) The availability of alternative locations for the proposed facility.
- (3) The compatibility of the proposed use with existing uses and uses anticipated in the foreseeable future.
- (4) The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans.
- (5) Other factors which the Commission deems relevant to the purposes of this Zoning Ordinance.

ARTICLE 14 APPENDIX A

EXCLUSIVE USE ZONE 1 (EX-1) LANDFILLS

14A-1 FINDINGS OF FACT - The following facts establish the need to place landfills into an exclusive use zone.

14A-1(a) CHARACTERISTICS OF A LANDFILL - A landfill is a community facility which is a necessary part of the community's waste disposal system. The high volume of heavy truck traffic and the associated noise, odor and other potential nuisance-like characteristics suggest industrial zoning would be appropriate. However, the landfill is a limited duration use, and the filled land may not be suitable for industrial uses which require substantial weight bearing foundations. This limitation makes industrial zoning inappropriate for subsequent uses to be located on this land. Major factors in determining proper site location are the suitability of the soil and underground drainage systems, and they are not usually factors in the location of industrial zones. Therefore the site location criteria for a landfill must be defined separately.

14A-1(b) NEED FOR SPECIFIC STANDARDS - If proper landfill standards are not adhered to, the operation may result in an open dump, and create a serious health hazard. A completed landfill will settle and require periodic maintenance. Because of this settlement factor, special design and construction must be utilized for buildings constructed on a completed landfill. As a result of the factors listed above, sanitary landfills must be placed in an exclusive use zone, which includes specific design standards and appropriate protection for subsequent use.

14A-2 PURPOSE AND OBJECTIVES - The major purposes and objectives of this zone are to place sanitary landfills in an exclusive use zone in order to establish site location and design standards, which will:

14A-2(a) PROTECT PUBLIC HEALTH by preventing water pollution, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.

14A-2(b) PROTECT PUBLIC SAFETY by requiring proper design of access streets to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.

14A-2(c) IMPROVE COMPATIBILITY with adjacent uses by requiring adequate screening and setback, regular policing of access road and heavily traveled routes to the site, and careful review of subsequent uses allowed on the landfill site.

14A-2(d) PROMOTE PUBLIC WELFARE by providing a suitable location for the disposal of the solid wastes generated by the community.

14A-3 ESTABLISHMENT OF EXCLUSIVE USE ZONE 1 (EX-1) FOR LANDFILLS - Exclusive Use Zone 1 (EX-1) shall have as its only permitted use a landfill and those accessory uses (including transfer stations) as are necessary to the operation of a landfill. All other uses, including open dumping, are prohibited.

The Exclusive Use Zone 1 (EX-1) designation replaces the previous zoning classification and, upon completion of the landfill operation, no other use shall be permitted without a zone map amendment placing the property in the appropriate zoning classification. The zoning of the site does not revert to its original zone but must be rezoned as provided in Article 6 herein.

14A-4 PLANNING FOR THE LANDFILL - Due to the potentially adverse environmental impact of a landfill, Geologic and Soils Reports, a Topographic Map, and a preliminary operational plan shall be required with the application for appropriate zoning. The Planning Commission may recommend approval of, and the Urban County Council may grant the petition for, EX-1 zoning, based on the information in the Geologic and Soils Reports and a preliminary operational plan showing how any site problems could be resolved; and provided that the site size requirements and the site design standards can be met.

The applicant also must obtain the necessary permits from Federal, State and local agencies having jurisdiction over any phase of operation. Adequate performance bonds or letters of credit must be provided. No landfill operation or phase thereof shall be permitted in the EX-1 zone until the final site development plan and operational plan has been approved by the Planning Commission, and the bond or letter of credit filed when necessary. The Commission shall withhold approval of the final operation and development plans until all appropriate local, State and Federal review agencies have acted on the plan, and the applicant has demonstrated compliance with the site location, design and operational standards. The permit, plans, specifications, maps and reports approved by the Kentucky Natural Resources and Environmental Protection Cabinet shall be submitted with the final Operational and Site Development plans for review by the Planning Commission.

14A-4(a) CONTENT OF REPORTS AND SITE DEVELOPMENT AND OPERATIONAL PLANS - Detailed plans, specifications, maps and reports shall be submitted in triplicate to the Planning Commission for review. The data in the following reports should be prepared in a form which facilitates its use in proper engineering design of the landfill. Problem areas must be delineated and recommendations for proper solution included in the report. The plans, specifications and maps for the operational plan may be submitted in the manner required by the permitting regulations of the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet for solid waste landfills.

NOTE: Topographic maps and geologic maps are available from the Kentucky Geologic Survey at the University of Kentucky. Soil maps are available from the Soil Conservation Service and from the LFUCG Division of Planning.

14A-4(a)(1) TOPOGRAPHIC MAPS - showing the property boundaries and the proposed waste boundaries (at a scale of two hundred (200) feet to the inch), or four hundred (400) feet to the inch only if located in the Rural Services Area of Lexington-Fayette County. The map shall show the following items that are located within the property boundary:

- (a) all surface water intake and discharge structures;
- (b) all proposed waste management, processing or disposal facilities;
- (c) all wells where fluids are injected underground; and
- (d) all wells, springs, ephemeral, intermittent, and perennial streams, other surface water bodies, and drinking water wells.

14A-4(a)(2) SOILS REPORT - must be prepared and certified by a qualified geologist, a soil scientist, or a registered civil engineer. The data included in this report may be based upon pertinent existing and published information, and must include:

- (a) name of soil type;
- (b) soil drainage class, including information on seasonal water table;
- (c) flood hazard potential;
- (d) permeability of soils;
- (e) dominant soil texture;
- (f) suitability of soil as cover material;
- (g) any other information pertinent to proper operation of the landfill.

14A-4(a)(3) GEOLOGIC REPORT - must be prepared by a qualified geologist. The data included in this report may be based upon pertinent existing and published information, and must include:

- (a) the nature of the terrain, including slope, topography, and surface drainage;
- (b) the nature of bedrock materials, including type, thickness and physical characteristics (such as ease of excavation, fractures, sinkholes and karst features, direction of dip, and solution holding capacity);
- (c) maps or data showing residuum thickness, composition of materials, and hydrologic properties;
- (d) porosity and permeability of bedrock;
- (e) thickness of strata or zone in which waste materials are to be deposited;
- (f) depth to water table;

- (g) distance to nearby permanent streams, springs or lakes;
- (h) proximity to aquifer recharge areas, wells and other water sources, and wetlands;
- (i) any other pertinent information to proper operation of the landfill.

14A-4(a)(4) OPERATION PLAN AND MAPS indicating:

- (a) the proposed fill area;
- (b) any borrow area;
- (c) access roads;
- (d) on-site drives;
- (e) grades for proper drainage of each lift required, and a typical cross-section of a lift;
- (f) special drainage devices, if necessary;
- (g) location and type of fencing;
- (h) structures existing or to be located on the site;
- (i) existing wooded areas trees, ponds or other natural features to be preserved;
- (j) existing and proposed utilities;
- (k) phasing of landfill operations on the site;
- (l) a plan and schedule for site restoration and completion;
- (m) a plan for the ultimate land use of the site, if possible;
- (n) method of operation, including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel;
- (o) and all other pertinent information to indicate clearly the orderly development operation and completion of the landfill.

14A-4(a)(5) ENGINEER'S CERTIFICATION - Landfill facilities shall be designed in accordance with this ordinance by a registered civil engineer, whose certification shall appear on all plans and specifications in the same manner as required by the Land Subdivision Regulations for Lexington-Fayette Urban County.

14A-4(b) OTHER PERMITS REQUIRED FOR OPERATION OF THE LANDFILL - Prior to operation of the landfill, permits must be obtained from the following agencies (this list is not intended to be comprehensive, but an aid for applicants attempting to secure approval):

14A-4(b)(1) KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET - The Division of Waste Management in the Natural Resources and Environmental Protection Cabinet must issue a permit for disposal of all solid waste, except where a person is disposing of solid waste from his own household on his own property.

14A-4(b)(2) LEXINGTON-FAYETTE COUNTY HEALTH DEPARTMENT - Regulation #23 of the Lexington-Fayette County Health Department sets forth storage, collection and operating standards in order to operate a solid waste disposal site or to operate trucks for collection of solid waste, and a separate permit must be obtained for each operation.

14A-4(c) PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT - Prior to approval of the development and operational plan for the landfill, a corporate surety bond or letter of credit for the faithful performance of site design standards shall be filed with the Urban County Government.

NOTE: Approval may be given and bonding filed for the total operation or for one or more phases thereof, as shown on the final Site Development and Operational Plans. The bond or irrevocable letter of credit may be filed separately for initial site design and improvements, such as access and screening requirements. Bonds for the site design standards shall be in an amount sufficient to assure completion of necessary improvements. This amount is to be determined by the Urban County Government. Said bond or letter of credit shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond or letter of credit.

14A-5 SITE LOCATION STANDARDS - The following site location standards must be met, if at all possible, for they are designed to protect the public health, safety, and welfare; and these standards must be balanced against the community's need to dispose of its solid waste and the total environmental and economic costs of such disposal.

14A-5(a) SOIL AND GEOLOGIC CRITERIA - Any landfill should be located on a site which has suitable soil, hydrologic and geologic characteristics. Areas with karst topographic features may pose significant problems for proposed landfill sites. Any problems inherent in such a site must be demonstrated as capable of a satisfactory engineering solution. Therefore, there is a need for a Soil Report and a Geologic Report to determine if the soil, hydrologic and geologic characteristics meet required standards.

14A-5(a)(1) SOIL CHARACTERISTICS - A field survey must be made to determine that the site has:

- (a) sufficient impermeable material to form a seal between the base of the landfill and bedrock; and if the site is located above the kind of subsurface stratification which could lead leachate from the landfill to water sources, then impervious material must separate the landfill from unacceptable bedrock in accordance with the requirements

and regulations of the Commonwealth of Kentucky,

- (b) sufficient soil suitable for cover material with good workability and compaction characteristics,
- (c) slopes of less than twelve (12) percent,
- (d) no flooding problems and is not within a floodplain area.

14A-5(a)(2) GEOLOGIC CHARACTERISTICS - To prevent potential ground and surface water pollution, the site must be located in an area where no pollutants can enter the water supply. The ground water table must be located and the site designed to prevent its pollution. The site must be free of potential flooding problems and karst topographic features which would erode the cover material or interfere with operation of the landfill. To eliminate the possibility of either surface or ground water pollution, the site should:

- (a) be located a safe distance from sinkholes, streams, lakes, wells and other water sources,
- (b) avoid being located above the kind of sub-surface stratification that will lead the leachate from the landfill to water sources, i.e., fractured limestone,
- (c) use an earth cover that is nearly impervious,
- (d) provide suitable drainage to carry surface water away from the site. Grading, diking, terracing, diversion details or tiling may be approved by the Department of Health, where appropriate.

14A-5(b) SITE SIZE REQUIREMENTS - The volume of space required is primarily dependent upon the character and quantity of the solid wastes, the efficiency of compaction of the wastes, the depth of the fill and the desired life of the fill. These factors must be weighed in determining if the site is large enough.

14A-5(b)(1) MINIMUM LOT AREA - There shall be no minimum lot area requirement, except that a site must be sufficient to accommodate the amount of waste estimated for deposit during the planned life of the landfill.

14A-5(b)(2) YARD REQUIREMENTS - Minimum required depth of front, rear and side yards surrounding the landfill operation shall be two hundred fifty (250) feet. No landfill operation, or portion thereof, shall be permitted within 250 feet of any lot line.

14A-5(c) ACCESSIBILITY - The site should be easily reached by highways or arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions. Problems such as narrow bridges, low underpasses, and steep grades on access routes must be avoided.

14A-5(d) HAUL DISTANCE - If the other site location requirements can be met, then haul distance becomes an important factor due to the increased cost of transporting waste greater distances. The increase in cost will vary with the size of vehicles, location of major waste producing centers, availability of expressways or other high speed roads to the site, etc. Increased costs of hauling, and any reduced impact of a remote location on existing development, should be balanced against engineering costs to make a site closer to the urbanized area suitable.

14A-6 SITE DESIGN STANDARDS - The following design features shall be incorporated into the site plans for a landfill.

14A-6(a) ACCESS DESIGN AND ON-SITE ROADS - Particular attention must be given to proper, safe design of entrances and exits, with provision for right turn deceleration lanes, protected left turn lanes, acceleration lanes and if needed, signalization of the intersection.

Since the site should be accessible at all times, it is desirable to have several access routes so that if one route is temporarily unusable, the site can still be used.

Distance of driveway entrance or exit from any adjacent lot line should be at least one hundred twenty-five (125) feet, except for lots across the arterial road, off of which the access drive is located. Any portion of such access drive within one hundred fifty (150) feet of the public street shall be paved or treated so as to be free of dust.

The on-site roads to the unloading area should be of all weather construction and wide enough to permit two-way truck travel. Road grades should be designed for the largest fully loaded trucks to travel at a reasonable rate. It is particularly important at large sites that traffic in and out of the area flow smoothly.

14A-6(b) FENCING AND LANDSCAPING - The landfill area of the EX-1 zone shall be enclosed with a substantial wall, fence or other adequate barrier at least five (5) feet in height, designed to keep children and animals off the landfill site. The entrance gate must be capable of being locked and posted. A landscape strip, at least thirty (30) feet in width, shall be provided and maintained between the lot line and the above required fencing or other enclosure. The Planning Commission may expand the size of the landscape strip to include a natural buffer such as an existing tree line. Such landscape strip shall have a ground cover of grass or other suitable material as required in Article 18.

14A-6(c) SIGNS AND DIRECTIONS - Only necessary identification and directional signs shall be permitted. If the site is open to the public, a sign shall be posted at the entrances to inform the public of the hours of operation, cost of disposal, and rules and regulations regarding dis-

posal. At large landfill operations, signs should be used on the site to direct users to the appropriate unloading area.

14A-7 SITE OPERATIONAL STANDARDS - Operating standards to prevent adverse health hazards and other nuisance-like problems are provided under Regulation Number 23 of the Lexington-Fayette County Health Department, and by requirements and regulations of the Commonwealth of Kentucky.

14A-8 COMPLETED LANDFILL

14A-8(a) INSPECTION - An inspection of the entire site shall be made by the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Waste Management or Lexington-Fayette County Health Department or the Lexington-Fayette Urban County Government to determine compliance with the approved plans and specifications before earthmoving equipment is removed from the site. Any necessary correcting work shall be performed before the landfill project is accepted as completed.

14A-8(b) SUBSEQUENT MAINTENANCE - Arrangements shall be made and appropriate bond or irrevocable letter of credit posted to assure the repair of all cracks, and eroded or uneven areas in the final cover following completion of the fill, the closure of the landfill, and the maintenance of the landfill after closure in accordance with the requirements and regulations of the Commonwealth of Kentucky. Care must be taken to maintain good drainage, and the surface contours as designed in the approved plans. Additional fill and cover material shall be used as necessary. The land shall be graded, backfilled, and finished to a surface which will:

- (1) result in a level, sloping, or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding,
- (2) minimize erosion due to storm water runoff. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches, and
- (3) trees, shrubs, legumes, or grasses shall be planted as approved on the approved Site Development and Operational plans.

14A-8(c) DECOMPOSITION, SETTLEMENT AND UNDERGROUND FIRES are problems which can occur after completion of the landfill operation. Precautions must be taken to prevent gases produced during decomposition from concentrating in sewers or other structures. The designer of structures to be placed on the site must provide the means to allow the gas to dissipate to the atmosphere

and not into the structure.

Concentrated foundation loadings must be avoided to prevent foundation cracking in structures placed on the completed fill area. However, special engineering design, such as use of pilings, may be included in the plans for subsequent structures.

Provisions for extinguishing underground fire must be made, and the possibility of such an occurrence considered in the design of structures placed on the site.

14A-8(d) SUBSEQUENT LAND USE - The subsequent land use of the completed landfill site may be determined at the time of initial approval of the landfill. However, in cases where the location of the site, duration of its operation or transitory nature of surrounding uses make a decision concerning subsequent use premature, this decision may be made at the time of completion of the landfill operation.

In all cases, the future uses determination shall be based on consideration of the following factors:

- (1) The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans;
- (2) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (3) The susceptibility of the proposed use to damage resulting from settlement and other hazards inherent in the area filled;
- (4) The community need for the proposed use;
- (5) The availability of alternative locations for uses proposed.

14A-9 AN ADDITIONAL REQUIREMENT FOR SANITARY LANDFILLS: A CONTRACT WITH THE URBAN COUNTY GOVERNMENT - The operation of a sanitary landfill shall be conducted under contract with the Urban County Government. If the sanitary landfill is not under contract to operate with the Urban County Government within one (1) year after the Exclusive Use zoning is approved, an application to change the EX-1 zone to its previous zone or other appropriate zone shall be initiated by the Urban County Council, as provided by Article 6 herein.

14A-10 DEFINITIONS

14A-10(a) SOLID WASTES - All putrescible and non - putrescible refuse in solid form. Solid waste includes, but is not limited to, garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes and special wastes, including explosives, pathological wastes and radioactive materials.

14A-10(b) LANDFILL - A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover material at the conclusion of each day's operation or at more or less frequent intervals, as necessary; and in compliance with all requirements and regulations of this ordinance, and with all requirements and regulations of the Commonwealth of Kentucky. This includes sanitary ("contained") landfills, "construction/demolition debris" landfills, and "residual" landfills, as defined by regulations of the Commonwealth of Kentucky.

14A-10(c) OPEN DUMP - A site where refuse is dumped which, due to lack of control, may create a breeding place for flies and rats, may cause air or water pollution or may catch fire.

14A-10(d) QUALIFIED GEOLOGIST - A qualified geologist shall have a masters degree in geology from an accredited university or college and have experience in hydrogeology.

14A-10(e) SANITARY (CONTAINED) LANDFILL - A type of landfill which may accept for disposal all non-hazardous solid wastes, and limited quantities of household hazardous waste, industrial waste and generator hazardous waste. Sanitary landfills shall operate in compliance with all requirements and regulations of this ordinance and with all requirements and regulations of the Commonwealth of Kentucky.

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